

Montgomery schools try to force money from a strapped county

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MONTGOMERY COUNTY'S school system has declared war on the county government that pays the overwhelming majority of its bills.

In a legal petition filed this month, the schools, which already consume 57 percent of county spending, are [asking the state to force the county](#) to spend tens of millions of dollars more on public education. If the school system's badly misguided effort succeeds, the effect would be to eviscerate county spending on virtually every other area of local government services - libraries, health services, parks and public safety - all of which have already been badly depleted by three straight years of budget cuts.

The legal filing, a 33-page appeal by the Montgomery County Board of Education to the State Board of Education, is a lawsuit in all but name; the school board ordered it drafted without consulting or notifying the County Council. It will be sad if this is the final act of outgoing Schools Superintendent Jerry D. Weast's distinguished but disputatious tenure.

The school board bases its argument on an arbitrary state law that obligates counties to comply with a per pupil spending formula each year. The idea of the law is sound, but in practice - particularly in the case of Montgomery - it makes no sense.

The purpose of the state's "maintenance of effort" law is to ensure that localities maintain a minimum level of education funding and do not slack off when state contributions are higher. The problem is this: While the law allows for exceptions in the event of fiscal hardship - which Montgomery and every other locality have endured - the state board is loath to grant waivers.

Worse, the law makes no allowance for Montgomery's recent record of funding schools *well beyond* the formula's requirements. Between 2003 and 2009 the county exceeded the state formula by 32 percent, funneling \$420 million more into public schools than was required by the state law, according to the Maryland Department of Legislative Services. A number of other counties outstripped the state requirement by that much or more. But rather than giving counties credit for their munificence, the state in effect penalizes them, setting each year's school budget as the next year's starting point.

To comply with state law for the coming year, the county would need to add \$82 million, nearly 6 percent, to the \$1.4 billion in operating funds it already gives the schools; about a third of the extra funds would go for a generous increase in teacher salaries. By contrast, the budget for virtually every other county agency and department will be frozen or slashed to close a projected \$300 million deficit - and, as in the past few years, there will no salary increases for anyone else.

The County Council, which has the final say on budgets, has rightly signaled that it will not send an additional \$82 million to the schools when everyone else is tightening their belts. Amazingly, as Maryland political observer Blair Lee has noted, the penalty for underfunding would be more underfunding - the state would withhold \$20 million or more in aid.

In some jurisdictions, school boards continue to pitch in to help counties find spending cuts to deal with austerity budgets. But in Montgomery, the schools have launched a preemptive strike.

By failing to work cooperatively with the county, the board has unleashed what could be a highly damaging fratricidal struggle between the best local school system in Maryland and the county that funds it. It's hard to imagine that's in the best interest of taxpayers or the children.